Appl. No. 09/778,652
Atty. Docket No. 9116-392 (P&G Case 8435L)
Amdt. Dated 11/__10__/2004
Reply to Office Action of 07/20/2004
Customer No. 27752

<u>REMARKS</u>

The Abstract is amended as suggested by the Examiner.

Claims 1 and 22 are amended hereunder to require at least one reference indicium to facilitate monitoring of the same predetermined skin area. Claim 8 is amended to recite the reference indicium comprises a tattoo. Basis is found in the specification (7:8-8:6). No new matter is added. Claim 21 is amended to ensure proper dependency.

Each of the claims is rejected over Kenet et al. (5,836,872) or the combination of Kenet and Chatenay et al. (IDS citation no. 8). Chatenay uses an automated correction algorithm to position images. Kenet teaches spatial calibration using an object of known size, such as a ruler. The calibration allows absolute distance to be obtained so that the working distance is known upon magnification (11:55-12:8). Kenet et al., and the rejecting combination, fail to teach that the same area of scalp is successively measured using or according to the ruler. Kenet also fails to teach repositioning the ruler at precisely the same position. Furthermore, these references even fail to teach that the ruler is permanently attached to the person being measured at all. The combination does not produce the claimed invention.

Claims 1-19 and 22 require a reference indicium to allow one to return to the same area for monitoring. Accordingly, Claim 1 and the claims dependent therefrom have steps, and associated benefits, not found in the cited combination.

Each of Claims 27-34 require a means for capturing a first magnified image to form a reference image and superimposing a second image by likewise aligning reference indicia. Again, such reference indicia are not found in the cited prior art.

Independent Claim 20 and Claims 21-26 which depend therefrom require digitally capturing a first image using only a red color component, and then later superimposing a second magnified image using green and blue color components. The Office Action (p. 9, para. 21) does not discuss or acknowledge these limitations relative to Claims 20-26. However, the Office Action (p. 12-13, paras. 30-31) does discuss the red color limitation in regards to Claim 33, which is dependent from Claim 27. Accordingly, the following remarks apply equally to Claims 20-26 and Claims 33-34.

The Office Action correctly notes (paras. 30-31) that Kenet teaches acquiring separate red, green and blue images. The Office Action alleges that it would have therefore been obvious

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to digitially capture the first image using only the red color component (para. 30) and that it would have further been obvious to digitally capture the second image choosing only the blue and green color components (para. 31). Applicants respectfully traverse.

Kenet teaches separating a multispectral image into three components (R,G,B, see 12:63-65) or into four components (R,G, B and IR, see 13:24-25). But Kenet fails to teach selectively using only the red component, selectively using only the green and blue components to form the images or selectively using three colors in the combination and specific sequence recited in the instant claims, as required by Claims 20-26 and 33-34.

Kenet attempts to teach scaler imaging from an R,G,B, (or other multispectral image) (13:39-41). However, this is a simple mathematical transformation (13:45-56). However, Kenet in combination with Chatenay fails to teach or suggest that one of skill utilize the red components resulting from the scaler transformation to form the *first image*. Nor does the combination teach or suggest one use the blue/green components to form the *second image*.

In fact, one of skill reading Kenet in light of Chatenay would be led to utilize all colors. For example, Kenet specifically teaches: "values for each pixel may be obtained from the red, green, and blue values as follows..." (emphasis added, 13:5-6). Kenet specifically teaches utilizing the R,G,B,IR four-dimensional components to form a Hue, Saturation, Intensity model (13:24-38). One further reading Kenet would be led to utilize all three color components to make stereo color images (14:29-36) or to look at a temporal sequence involving all three colors (14:9-17). Kenet fails to teach the use of red and blue/green images as required by Claims 20-26 and 33-34.

The Office Action (p. 13) cites Kenet at 16:10-19 as teaching the use of blue/green color components to obtain segmentation. Applicants respectfully traverse.
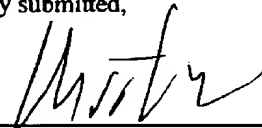
One of skill reading Kenet at 16:10-19 would realize that the segmentation may be applied to images ranging from 2-D to 4-D, as well as scaler and vector derivatives thereof (16:17-19). However, the segmentation simply divides the image into two or more regions representing artifacts or interfering structures of interest (16:10-14). One of skill reading Kenet and desiring to detect and eliminate such structures, such as hairs (16:23-24) would not learn the claimed sequence of using red, then blue/green images to do so. Kenet simply fails to teach the recited steps. Accordingly, the claimed invention is neither taught by, nor obvious in view of the rejecting combination.

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     The claims have limitations not found in the prior art. This yields the benefit of allowing successive monitoring of the same area to occur one time and/or advantageous use of particular colors in sequence. The Examiner is respectfully requested to reconsider and allow all claims remaining in the application.

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Respectfully submitted,

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November 10 , 2004
Customer No. 27752

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